REMARKS

Claims 1 - 3 and 6 - 13 are all the claims pending in the application. Claim 11 has been withdrawn from consideration.

In the Office Action, it is, first of all, appreciated that the previous rejections were withdrawn. However, claims 1 - 3, 6 - 10, and 12 - 13 were newly rejected under 35 U.S.C. § 103(a) based on newly-cited U.S. Patent 5,693,484 (Nakamoto et al) in view of EP 0844481 (Sakata) and further in view of U.S. 2001/0049091 A1 (Thompson et al).

Rejection Under 35 U.S.C. § 103a

As has been pointed out in the Responses filed on March 20, 2008 and July 10, 2008, the present invention is characterized in that it is possible to differentiate leukocytes from coincidence cells and platelet clumps, based on the scattered light peak intensities and the scattered light widths.

In the presently claimed method, cells are classified into the first group including leukocytes and the second group including coincidence cells and platelet clumps based on the scattered light peak intensities and the scattered light widths. Then the leukocytes classified into the first group are further classified into mature leukocytes, leukocytes with abnormal DNA amount and immature leukocytes.

By the presently claimed method as above, it is possible to clearly differentiate platelet clumps and coincidence cells from leukocytes, i.e., to more precisely count leukocytes without influence by platelet clumps and coincidence cells.

This is very advantageous because such differentiation was not possible by using

the prior art method, as described on page 2, line 24 to page 3, line 2 of the present specification.

Nakamoto et al (U.S. 5,693,484) discloses classifying and counting erythrocytes, leukocytes, epithelial cells, blood casts and bacteria in urine by measuring the scattered light intensity, scattered light pulse width, scattered light peak number and fluorescence intensity.

Nakamoto et al do not disclose differentiating leukocytes from coincidence cells and platelet clumps. Further, Nakamoto et al do not disclose or suggest such differentiation can be achieved based on the obtained scattered light peak intensities and scattered light widths; i.e., Nakamoto et al has no contemplation whatsoever of the presently claimed method.

Thus, the Nakamoto et al reference is completely silent as to a step of classifying the cells into a first group and a second group based on the scattered light peak intensities and the scattered light widths, the first group including leukocyte and the second group including coincidence cells and platelet clumps, as in the presently claimed method.

Further, neither Sakata et al (EP 0844481) nor Thompson et al (US 2001/0049091) disclose or suggest that it is possible to differentiate leukocytes from coincidence cells and platelet based on the scattered light peak intensities and the scattered light widths, as was noted in the Responses filed on March 20, 2008 and July 10, 2008. Thus, there is no basis for reaching the presently claimed invention based on modifying Nakamoto et al in view of Sakata et al and Thompson et al.

Therefore, the present claimed method is not obvious over the combination of Nakamoto et al with Sakata et al and Thompson et al

In view of the above, reconsideration and allowance of claims 1 - 3, 6 - 10, and 12 -13 of this application are now believed to be in order, and such actions are hereby solicited.

If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.
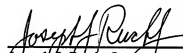
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